

ON MAY 12, 2016 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.

Members Present: John Johnson, Ryan Cashin, Bob Petersen, Ralph Ballard, Yovonda Hall, and Bill Wilkey

Members Excused: Branden Anderson and Paul Farthing

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Council Darin Larson and City Attorney Fay Reber

6 p.m. Planning Commission discussion with Bench Lake property owners regarding future zoning. Ryan Cashin called the meeting to order and introduced the Planning Commissioners. Toni Foran welcomed everyone to the discussion and thanked them for coming. She explained the General Plan shows this area as Agriculture 5 plus acres but the Zoning map only has it as Residential Agriculture 1 acre. She stated the City would like the property owners input on what they would like the zoning to be and what they intend to do with their property. John Nielson stated he would like to keep it as agriculture but have the same zone for everyone. Adam Stout stated he would like it to stay fields. He mentioned he would like to build on the hills. He stated he thinks the property owner should be able to do what they want with their property. Kolton Iverson feels like it would backtrack to go back to bigger zoning. He would like it to stay farms but feels property owners should be able to do what they want within reason. Rob Dias agreed. He stated it should be up to the property owner. Mary Ann Furse stated she wants the option to build homes on her property. She feels the land owners want the choice to do what they want. Dennis Hughes agreed to keep the zoning smaller. Mike Bird agrees individual protection is key. He feels it is hard to go from smaller zones to larger zones. He mentioned a meeting in the past where bringing in sewer was discussed. He understood that everyone would be charged the same amount for sewer regardless of the property size. He would like protection regarding an assessments for sewer. Ryan Nay stated he and his wife are fine with how it is. Keith Buzwell stated he works with Dave Wadman. He thinks the challenge is the need for nine acres to do a septic tank but it is not zoned that way. Ms. Foran stated that is one of the challenges. Glen Mills stated he can't farm his land because it is on a hill. He can't get water up hill. He expressed nothing can be done without sewer. He would like it to stay one acre lots. Collette Wadsworth stated she thought when this area was annexed it was one acre. Ms. Foran stated staff had been researching and can't find where it was ever changed to five acres. So it is probably a misprint. Ms. Wadsworth doesn't want it to change. She stated she feels it would be a taking from the property owners. Jon Walter, representing Martha Gordan and the property owners next to the Wadsworth's, stated his clients do not want to decrease the density. They would lose too much property value. Ginger Hall agrees the City needs to leave it as 1 acre and let land owners do what they see fit within reason. Mac Hall explained when this area was annexed the 1 acre zoning was a compromise. He stated a lot of the property owners wanted more density and a lot of them wanted less. He stated if it was a bigger area and they could protect agriculture then he would be more in favor but it is such a small area with a lot of homes. He questions if there is value in keeping it agriculture. Mike Chandler, Ash Creek Sewer District Superintendent, stated he recognizes the problem with the property size requirement for septic tanks. He stated they are working towards some solutions and they want to work with the land owners. He mentioned there is a proposed development just outside the Hurricane City limits and if it is developed, it would bring the sewer into this area. Margaret Beatty would like it to stay the way it is.

Shirley Buckner questioned what the rule is for the septic. She stated they feel like their property is worthless without sewer. Ms. Foran explained the rule on septic tanks is to protect the ground water. Gerry Buckner stated they have had a really hard time selling their property because they thought it was 5 acre zoning. He stated if SR7 is extended it will change this area a lot. He doesn't know if agriculture is the best use for this property. The zoning map was discussed regarding the possible area that is zoned incorrectly at 5 acres. Kelby Iverson stated the map should be put back how it should be when it was annexed. He stated he would like it to stay farming but doesn't want to mandate what is done on other people's property. He mentioned smart septic tanks and stated there might be other options for people to develop. Ms. Foran asked if the City could create an agriculture PDO would the property owners like that. She explained if it could be created, owners wouldn't have to subdivide to build. There was a lot of input that the property owners would be interested in that option. Property owners asked what the process would be to allow septic tanks on 1 acre zoning. Mike Chandler explained the history on the septic tank density. The Washington County Water Conservancy District in conjunction with the surrounding cities and Ash Creek Sewer District had a big water study done. He stated one of the big concerns was water resources and historically there has been challenges with water contamination from septic systems. He explained when there are too many septic systems or systems that breach into the aquifer, there are public health concerns. He stated they used nitrates to govern these densities. Because of these concerns, the study was done and the County was broke into nine different sheds. He explained the process of rating the water and explained that is what determined what the density should be for each area that didn't have sewer. He stated the County used to administer the septic tank permits but in 2009 they gave it to Ash Creek Sewer District to administer the Eastern half of the County. He stated when the study was adopted in 1998, they advertised the plan would go in to effect January 1, 2000. He mentioned people might have heard properties could be grandfathered; which meant if someone had a parcel that had been subdivided previous to the adoption of the study then regardless of the size of the lot you could build a conventional septic system. Any lot that was subdivided after January 1, 2000 would not be allowed to build and use a conventional septic system. He stated since that time, they see more and more requests for casita's and people wanting to attach different things to their septic tanks. He stated they have tried to accommodate people by adding some alternative systems. He stated one of his concerns is that people need to understand the cost and maintenance of an alternative system. His concerns are to protect water quality and for people to understand the commitment of using the alternative system. He explained as a District they have tried to be careful with using this alternative systems because if the property is sold in the smaller lots and that information is not disclosed it puts an undue burden on the new property owner to put in a \$25,000 treatment system. He stated there is a dry system in Sky Ranch and there are plans for the Copper Rock project. If that does happen, the plan is to have sewer to the top of the hill by the next year. He stated if sewer comes, people will come and what is 5 acres today will be 1 acre in five years and ½ acre in the next five years. A property owner asked where Mr. Chandler meant when he said the sewer would be at the top of the hill. Mr. Chandler explained when Dixie Springs was improved the property owners above Dixie Springs paid assessments to help install the sewer system. He stated there is a master planned road that comes over the hill from Dixie Springs so it is the District's intent to extend the line a short run up the hill to a landing point. He mentioned Copper Rock Development is planning on bringing the sewer from the top of the hill to their property. Mr. Chandler stated the District sees the Bench Lake area as a service area but what form and how soon it will have a sewer system has not been decided. He stated they are trying to meet the requests from the City and the demands from the citizens. Ryan Cashin mentioned there are a lot of soil issues in this area as well as sewer issues that could make building very expensive.

David Isom asked about the Zitting property on Bench Lake. Ms. Foran stated it is in the County. Mr. Isom stated he was on the Planning Commission when the General Plan was done in '99 and things change with time. He stated they were told it would stay the same zoning when it was annexed into the City but the owners could change the zone as they see need. He would like to see it at 1 acre zoning. He discussed the difficulties of farming with the water issues. Anita Lowe stated she has property in this area that is used for desert grazing.

She stated you can produce agriculture product on farm land without using water. She stated there are other property owners that lease their water shares so they don't lose them.

Mr. Buckner stated this is not the best area for farm land. He thinks long term this property will be residential. Commissioners agreed property owners want the land to stay as 1 acre zone and the maps need to be corrected.

Ms. Foran thanked all the property owners for coming and voicing their opinions. John Johnson told the property owners to make sure their voice is heard for what they want with their property. Ralph Ballard stated there are great concerns of the soil in this area that effect not only personal property but infrastructure as well. The City has to be able to keep the roads and infrastructure in place. He stated current property owners have the responsibility to tell future land owners of the risks in the area.

Bill Wilkey was excused at 7:35 p.m.

After a break, the meeting was called back to order by Chairman Cashin at 7:37 p.m. The Pledge of Allegiance was led by Ryan Cashin and John Johnson offered the prayer. Roll was taken.

Approval of agenda: Bob Petersen motioned to approve the May 12, 2016 agenda as posted. Yovonda Hall seconded the motion. Motion carried with all Commissioners voting aye.

2016-FP-05 Consideration and possible recommendation to the City Council on a final plat for The Villas at Sand Hollow Phase 3, an 18 unit condominium plat – Sand Hollow Resort applicant; Reed Scow agent

Toni Foran stated there are a few minor changes that need to be made to the plat but the City Engineer is working on it. They are not substantial changes. *Ralph Ballard motioned to recommend approval of application 2016-FP-05 to the City Council. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.*

2016-FSP-03 and 2016-CUP-07 Consideration and possible approval of a final site plan for an automobile storage yard at Fairgrounds Industrial Park with an 8' fence requiring a conditional use permit – Deborah C. Stevens, applicant

Luke and Bob Stevens were present to represent the application. Bob Petersen asked if all the cars currently out there were there to be repaired. Bob Stevens explained he purchased a lot of cars years ago for parts but because of unseen circumstances they were out of business for a while. He stated they always anticipated using the proposed property. He stated in 2008 the previous owner went bankrupt and the property went into foreclosure. He stated they finally got an agreement three or four years ago to purchase the property but that bank went out of business so when the new bank took over the property about a year ago they were able to purchase it. He explained they will move all the cars on lots in the Fairgrounds Industrial Park to that property but it is taking time to get it all done. He stated they planned to crush all the vehicles two years ago but didn't and now the market has crashed so it isn't worth crushing. Chairman Cashin asked if it would be more a dismantling and storage area. Bob Stevens stated it will be more of salvage and dismantling. Luke Stevens stated the parts will be on the corner by Wheeler. This lot is more for storage. The dismantling will be done in the existing building. Chairman Cashin stated he is concerned they are getting into an auto wrecking business instead of parts and sales. He questioned if it is really storage. Bob Stevens stated when the subdivision was built it was supposed to be M-2 zoning but Wheeler required M-1 zoning. So the zone was changed M-1 with the option to change to M-2 if needed. He stated they don't have a large parts area but most of what they do is repair and they need a secure place to store vehicles. They have a lot of kids coming in and stealing parts off the vehicles. Chairman Cashin clarified they do body work and mechanic repair. Bob Stevens stated yes and in the future they want to build another building but right now they don't have the space for full dismantling. Chairman Cashin asked if there are any concerns for hazardous materials getting into the gutters or water systems. Bob Stevens stated they don't do any dismantling outside the building. Chairman Cashin asked if the

current building had a grease trap. Luke Stevens stated yes. Bob Stevens stated they put cinders on the ground and it has held the water and stopped the runoff.

As far as landscaping, Bob Stevens stated they would like to put a large cactus every 30 feet and a small cactus every 10 feet but the drawing doesn't represent that right. He explained the landscaping will be desert with no outside watering. John Johnson stated staff comment #3 refers to a block wall. Ms. Foran clarified it will be a steel fence not a block wall.

Bob Petersen motioned to approve application 2016-FSP-03 based on the following findings; 1. Approval must be conditioned upon an agreement with the applicant to move all vehicle storage in the Fairgrounds Industrial Park to the site after it is fenced within an agreed upon time frame. 2. A dust and drainage control plan must be provided and approved by staff. 3. Fences may be 8' high if a conditional use permit has been approved. 4. Landscaping will be developed similar to pictures submitted. Yovonda Hall pointed out an agreement hadn't been set for the time limit to move the vehicles. Mr. Petersen asked the applicant how long they would need to move the cars if they can start moving them once the fence is built. Bob Stevens stated it will take about six months to do the improvements and then about two years to get everything moved. Chairman Cashin stated he is concerned because the applicants will have this new lot and will try to move things over but they will continue to buy vehicles and never get everything moved. He feels two years is too long. Mr. Johnson suggested giving them one year and then reviewing. Chairman Cashin stated he thinks one year is still too long. Mr. Petersen suggested giving them six months to finish the fence and then an additional ninety days to get all the vehicles moved. Bob Stevens stated there is no way they can do it in that amount of time. Mr. Ballard stated the applicant is asking for convenience to move them as they can. First motion died due to lack of second.

Bob Petersen amended his motion to approve application 2016-FSP-03 based on the following findings; 1. Approval must be conditioned upon an agreement with the applicant to move all vehicle storage in the Fairgrounds Industrial Park to the site after it is fenced within one year. 2. A dust and drainage control plan must be provided and approved by staff. 3. Fences may be 8' high if a conditional use permit has been approved. 4. Landscaping will be developed similar to pictures submitted. Bob Stevens stated he would at least like a condition that it can be reviewed in one year because he doesn't think they will be able to get it all completed. Mr. Petersen stated if it isn't done in one year, they will need to come to the Planning Commission again. Bob Peterson motioned to approve application 2016-CUP-07 based on staff findings; 1. The proposed fence is in keeping with the General Plan and Land Use Code. 2. The property owners will landscape between the fence and the public street. 3. The fence will protect the health, safety, and welfare of the industrial park owners and tenants. 4. If the applicant complies with all State and Federal requirements in relation to potential pollutants for stored vehicles, the fence will help improve the aesthetics for the area and adequate safeguards will be in place. Yovonda Hall seconded the motion. City Attorney Fay Reber clarified the fence and ground cover needed to be done within six months. Ms. Foran stated she thought they could start moving vehicles as soon as the gravel is down. Commissioners agreed. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.

Bob Stevens stated the market won't pick back up within a year. Chairman Cashin stated this approval isn't based on the market it is based on moving the vehicles where they go.

2016-FSP-04 - Consideration and possible approval of a final site plan for a covered and enclosed storage and shop facility at 148 N. Old Highway 91 – Lara Penrod applicant.

Lara Penrod mentioned one the staff recommendations refers to phases but it was a misprint and there is only one phase. Ryan Cashin asked if she had seen all staff and JUC comments. Ms. Penrod stated yes, she didn't have any concerns with them. Chairman Cashin stated it is a good fit for the area and there is a need for it. *Yovonda Hall motioned to approve application 2016-FSP-04 based on the following findings; 1. Site plan complies with off street parking, building design, and landscaping requirements of the Land Use Code. 2. Construction drawings have been submitted to the JUC Committee and have been signed. 3. The Planning Commission has*

reviewed the materials for the building with the applicant and approved. Ms. Hall pointed out the building materials hadn't been determined. Ms. Penrod clarified the buildings will be block and stucco on the office. Chairman Cashin suggested having staff review the building materials at permit process. Commissioners agreed. Approval subject to the following conditions; 1. Outside lighting fixtures must be hooded or otherwise shielded to limit the intrusion of light beyond the site. Outside lighting must be reviewed and approved by staff before installation. 2. Parking lot landscaping and landscaping irrigation design must be reviewed by staff before installation. 3. Building permits must be issued before work starts on any of the structures on the site plan. Bob Petersen seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.

2016-PDOA-01 Consideration and possible approval of a use amendment in Peregrine Pointe PDO, phases 1B, 2A, and 2B – Perry Homes applicant

Chairman Cashin stated Greg Sant asked to be excused earlier in the meeting. Yovonda Hall asked Toni Foran to explain if this is something they are amending in Peregrine Pointe to match the City's ordinance on vacation rentals. Ms. Foran explained they changed their CCR's to allow short term rentals in these three phases but they didn't realize they couldn't do vacation rentals in a PDO. She stated they didn't want the subdivision to be a resort like The Retreat where everyone can do a vacation rental, they want to follow the same ordinance as the City as far as separation and licensing. Chairman Cashin asked if this only applies to the new phases. Ms. Foran stated yes. *Yovonda Hall motioned to recommend approval of application 2016-PDOA-01 to the City Council to allow the option of short term vacation rental use in phases 1B, 2A, and 2B of Peregrine Pointe as provided for in the City ordinances. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.*

2016-PP-02 Consideration and possible approval of a preliminary plat for South Fields Estates Phases 1, 2, & 3; a 40 lot subdivision at approximately 1500 South 920 West – Dave Wadman applicant; Rosenberg Associates agent

Toni Foran stated she received a few comments from staff meeting; 1. Staff is requesting a pedestrian trail at the cross section with the borrow pits and drainage. 2. A resident from the earlier meeting would like them to fence this property from the agriculture areas. Ms. Foran mentioned she thought the ordinance required a fence but she isn't sure. She explained this was a preliminary plat from a year ago but has since expired. The applicants have reduced the lot numbers and how far south the plat goes. It was clarified they reduced the acres and lots and eliminated the road that went through someone else's property.

Rick Rosenberg of Rosenberg Associates stated they have modified the plat and reduced the size but overall it is the same plat. He stated during the last six months AGECEC has been out doing the pre wetting and test strips as required because of the collapsible soil. The proposal includes the utility corridor to help take care of collapse in roadways. They are requesting no curb or gutters for a more rural setting. Each site will have its own storm water retention on site. He mentioned they have talked with staff regarding doing a wider asphalt section for a bike lane. He explained the subdivision stops at 2650 south. They will do everything north of 2650 South in three phases, starting at the north end and working south.

Chairman Cashin stated in a different area they did a sidewalk with no curb or gutter. He asked if it would be conducive to do something like that on this project. Mr. Rosenberg stated when a pedestrian way is attached to the road it is easier to do the maintenance but if they detached it the cost is a little higher. Ms. Foran stated the standard for a pedestrian lane is ten feet and it is five feet for a sidewalk. Mr. Rosenberg stated a sidewalk and a gravel strip will be about the same cost so they are willing to work with staff on what is preferred. Yovonda Hall asked if future home owners change the elevations on their lot how can they ensure it won't hurt the drainage for the other lots. Mr. Rosenberg explained they will drain it back from the driveway and they will have it in the CCR's so the owners would be held liable if they change it. He stated the driveways would be designed to bring

the water back into the lot away from the home. He stated there will be acknowledgements regarding the collapsible soils recorded with each lot. Chairman Cashin asked how the forty lots would affect the traffic on 1150. Mr. Rosenberg stated they haven't done a traffic study but there isn't a lot of traffic in this area. He stated there will be multiple egress routes and it is small enough it doesn't warrant a study.

Chairman Cashin asked if they would be building a fence. Mr. Rosenberg stated he thought Utah was a "fence them out" state. He hasn't talked to his client regarding the fence. Ms. Hall asked Ms. Foran if there was something in the ordinance requiring them to fence the project. Ms. Foran stated she will have to research it before it goes to City Council. Chairman Cashin stated they will need to keep the dirt and dust down when it is in construction phase. Mr. Rosenberg stated the pre wetting phase uses a lot of water and they will be forced by the City ordinance to keep the dust down. Ms. Hall asked if they pre wet the entire project. Mr. Rosenberg explained each lot has to have its own geotechnical report that will refer to the master report. It will be designed for the prism of each lot and all roads.. Mr. Rosenberg stated it was good to go through the pre wetting process and see the results. Wayne Rogers with AGECE explained they dug a section equivalent to a road about fifty feet long to get a test strip. They turned the irrigation water on it three times but it was hard to measure how much water was used because it was not metered. He stated they got water down twenty five feet with the three wettings so they will do four wetting during the actual construction to ensure it is deep enough. He explained the process to measure collapsible soil and how they treat it. Ralph Ballard asked if the pre wetting only went twenty five feet deep. Mr. Rogers stated yes. Mr. Ballard stated it was his understanding that some of the areas the collapsible soils went sixty feet deep. Mr. Rogers stated there might be areas that are that deep in the South Fields but in this subdivision they drilled holes and hit the non-collapsible soil at about twenty five feet but they will test as they go. Ms. Hall asked if there were homes on the three lots that border the project. Ms. Foran stated no. Keith Buzwell with WW Properties expressed his appreciation to the Commissioners and the City. He stated this plan is consistent with the plan for this area. *John Johnson motioned to recommend approval of application 2016-PP-02 to the City Council subject to the following before plans are submitted for final plat; 1. Design for a storm drain system that is acceptable in the collapsible soil. 2. A road cross section design that is acceptable in the collapsible soil. 3. A pipe support design system that is acceptable to all utilities. 4. A review by the City's airport consultant is completed. 5. Walkable area is provided for pedestrians. Yovonda Hall seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.*

Commission Work Session: Work session continued to next meeting.

1. Discussion on conditional uses in agriculture, residential agriculture, commercial, and industrial zones
2. Discussion on subdivision ordinance on improvement in relation to current state law
3. Discussion on Chapter 23 development standards

Staff and Commission concerns and updates.

Toni announced next week at the City Council meeting there will be a presentation on night sky protection if anyone would like to attend.

Approval of minutes:

Yovonda Hall motioned to approve April 14, 2016 as written. Ralph Ballard seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.

Yovonda Hall stated on page 3 of the April 27th minutes the vote for Blackmore was recorded incorrectly. She stated Branden was the only nay. Ralph Ballard motioned to approve April 27, 2016 minutes with the correction. Bob Petersen seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Ralph Ballard-Aye, and Yovonda Hall-Aye. Motion carried.

Meeting adjourned at 8:50 p.m.